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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,124	02/18/2004	Shigeru Nemoto	KITO2.004DV1	3354
20995 7590 08/30/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER WITCZAK, CATHERINE	
			ART UNIT 3767	PAPER NUMBER
			NOTIFICATION DATE 08/30/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/781,124

Applicant(s)

NEMOTO, SHIGERU

Examiner

Catherine N. Witczak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-7 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3, 5-7 and 9-11 is/are allowed.
- 6) ☒ Claim(s) 12-18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

WMM *show*

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/29/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 12-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fago et al (US 6,569,127) as modified by Reilly (US 6,958,053), in further view of Trull (5,947,929).

Fago et al disclose in Figure 5 a mechanical syringe driving mechanism having a barrel holder (48) with a flange insert groove (58) and an arcuate guide groove (58), a syringe barrel (50) having a flange (54) extending outwardly from the barrel proximate the first end having an arcuate guide projection (59) which engages with the guide groove of the barrel holder when the syringe barrel is inserted into the barrel holder (column 6, lines 29-46); Fago et al disclose in Figure 5 the guide projection comprising two sections (59a and 59b); Fago et al disclose in Figure 5 the flange having two flange cut portions symmetrically positioned in the flange opposite each

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other (56a and 56b); Fago et al disclose in Figure 5 an even number of arcuate guide projections (59a and 59b) positioned symmetrically to each other; Fago et al disclose in Figure 5 guide projections (59a and 59b) that are arcuate in shape; Fago discloses in Figure 5 the arcuate guide projection comprising a plurality of guide projections aligned in a line in the circumferential direction along the flange; Fago et al disclose in Figure 5 the flange having two flange cut portions symmetrically positioned in the flange opposite each other (56a and 56b); Fago et al disclose in Figure 5 an even number of guide projections (59a and 59b) in the form of truncated cones positioned symmetrically to each other on the flange.

Fago et al disclose the claimed invention except for the syringe being pre-filled with a chemical solution. Reilly discloses in column 6, lines 22-39 that is known to use pre-filled syringes in injector devices. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Fago et al with a pre-filled syringe as taught by Reilly et al, since such a modification would make the device of Fago et al ready to use.

Fago et al as modified by Reilly disclose the claimed invention except for a press projection formed on the rear surface of the flange capable of being compressed to press the flange against a front sidewall surface of a flange insert groove. Trull teaches that it is known to use press projections (30) as set forth in Figure 2 which "interact with the adapter assembly to permit engagement of the plunger with the driving head" (column 6, lines 50-55). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Fago et al as modified by Reilly with press projection on the rear surface of the flange as taught by Trull, since such a modification would provide the system with resilient press projection for interacting with the adapter assembly to permit engagement of the plunger with the driving head.

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Allowable Subject Matter

2. Claims 1, 3, 5-7, and 9-11 are allowed.
3. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine N. Witczak whose telephone number is (571) 272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cw



KEVIN C. SIRMONS
SUPERVISORY PATENT EXAMINER

